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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,761	07/01/2003	Madonna M. Ray	P6205US	2152
30173 7590 07/21/2008 GENERAL MILLS, INC. P.O. BOX 1113 MINNEAPOLIS, MN 55440				
EXAMINER				
TRAN LIEN, THUY				
ART UNIT		PAPER NUMBER		
1794				
MAIL DATE		DELIVERY MODE		
07/21/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/611,761

**Applicant(s)**

RAY ET AL.

**Examiner**

Lien T. Tran

**Art Unit**

1794

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 April 2008.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 and 18 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-16 and 18 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/CDC)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

Claims 1-16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over the book "Breads" in view of the book "Professional Baking".

The book "Breads" teaches to form a variety of intermediate dough products having aesthetic features such as lobes, section, portions or combination thereof. The book teaches various way in which dough is cut, shaped, stamped, slit etc. to create various configuration and design such as lobe, crown etc... The book also teaches brushing the dough before baking with glaze such as melted butter glazes to soften the crusts. The book also teaches to brush the dough with butter for a velvety finish. As shown on page 28, the brush is used to brush the tops with melted butter over the exposed surface of the roll. The dough is baked at 450 degree F.

The book is silent on the BSV of the product, the use of oil, the properties of the plasticizing agent, partially baking. With respect to the method claims, the making of the dough pieces inherently includes the steps of preparing a dough and creating individual dough intermediate. The book teaches the steps of applying a plasticizing agent and providing a cutting force to create lobes, section, portion. The book does not teach partially baking, delivering the partially baked and subjecting the partially baked to final baking step. The book does not teach the mechanical cutting as in claim 15.

The "Professional Baking" book teaches the major functions of fats in baked items are to tenderize the product and soften the texture, to add moistness and richness, to increase keeping quality, to add flavor. The book also teaches that oil is used as a wash for some kinds of rolls.

The new limitation of a sprayable agent in the product and spraying the agent in the method does not define over the prior art. With respect to the product, the difference between sprayable or brushing is in the processing and does not determine the patentability of the product. With respect to the method, the book teaches the same plasticizing agent as claimed; thus, it is obvious the agent can be applied by spraying. It would have been obvious to one skilled in the art to use any means of application such as brushing, spraying, dipping ect.. because all are known techniques of applying a coating onto product. It would have been obvious to choose one over the other depending on convenience and preference. For example, if the agent is contained in a can, it would have been obvious to apply it by spraying. Since the book teaches to brush with melted butter, it is obvious the products will have the properties as claimed. The claimed use of fat to achieve such properties is well known in the art as shown by the Professional Baking book. It would have been obvious to brush the entire surface of the dough so that the whole surface will have the fat layer. This would have been readily apparent to one skilled in the art. When the surface is coated with butter, it is inherent a sealing layer is formed. It would have been obvious to use oil because oil is also a known wash for roll product as shown by the Professional Baking book. The selection of oil or butter would have been an obvious matter of preference depending on the flavor and taste desired. The BSV volume varies depending on the type of dough and the texture wanted. It would have been obvious to one skilled in the art to determine the optimum BSV for the particular dough made. It would have been to vary the depth of the cut

Art Unit: 1794

depending on the configuration wanted. This can readily be determined by one skilled in the art. It would have been obvious to partially bake the dough pieces when wanting to make a par-baked product for later consumption if the product is not intended to be used in a short time. Such product is notoriously well known in the art. It would have been obvious to deliver the product to retail store when commercial distribution is wanted. If the product is a par-baked product, it would have been obvious to subject the product to final baking before consumption. . It would have been obvious to coat the baked dough pieces with butter or oil to enhance the taste and flavor of the product. This is notoriously well known in the art as one commonly spreads butter or oil on bread after baking. It would have been obvious to one skilled in the art to use any known means for cutting. The mechanical cutting claimed is known in the art.

In the response filed 4/9/08, applicant argues the Breads reference is absent of any disclosure or suggestion of applying a sprayable agent over the entire surface prior to a finishing or cutting step. The examiner respectfully disagrees. The Breads cookbook teaches to cut the dough to obtain various designs; the book also teaches to brush the surface of the dough with butter to obtain a tender crust and velvety finish. This is an explicit teaching of applying an agent over the surface. Whether the entire surface is coated or a portion is coated depends the final product wanted. If it is desired for the entire surface to have a velvety finish and the entire crust area to be tender, it would have been readily apparent to one skilled in the art to apply the butter to the entire surface. It follows logical reasoning that one would have coated the entire surface

Art Unit: 1794

because it is contrary to logic to just coat a portion and leave a portion uncoated on the same product. In any event, such modification would have been well within the skill of one in the art. As to the agent being sprayable, such limitation does not define over the prior art. With respect to the product, the difference between sprayable or brushing is in the processing and does not determine the patentability of the product. With respect to the method, the book teaches the same plasticizing agent as claimed; thus, it is obvious the agent can be applied by spraying. It would have been obvious to one skilled in the art to use any means of application such as brushing, spraying, dipping ect. because all are known techniques of applying a coating onto product. It would have been obvious to choose one over the other depending on convenience and preference. For example, if the agent is contained in a can, it would have been obvious to apply it by spraying. Applicant argues the Breads method may not sufficiently create a sealing layer that restricts dehydration because the reference teaches of spraying the rolls with water at regular intervals. The key word to applicant's argument is "may"; applicant has not shown any evidence that a sealing layer is not formed sufficiently. Page 26 of the Breads reference teaches that "crust formation can be further held in check by oven humidifying and that more frequent sprayings keep roll crusts proportionately thin". The spraying with water has nothing to do with concern about dehydration. Applicant further argues neither the Breads nor the Professional Baking teaches the application of a sealing layer will result in an enhanced crown or cap and BSV greater than 3ml/g. This argument is not persuasive. The BSV is affected by other factors

and the type of dough. Applicant has not demonstrated that only the application of the sealing layer affects the BSV and if such is the case, then it is obvious the product made according to the Breads reference will have the same end result because it contains the sealing layer.

Applicant's arguments filed 4/9/08 have been fully considered but they are not persuasive.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lien T. Tran whose telephone number is 571-272-1408. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on 571-272-1398. The fax

Art Unit: 1794

phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

July 18, 2008

/Lien T Tran/

Primary Examiner, Art Unit 1794